

TRIES TO SAVE SHOCKLEY'S LIFE

Second Effort Is Made Before the Supreme Court.

QUESTION OF JURISDICTION MAY BE A MONTH BEFORE OPINION IS HANDLED DOWN.

For the second time the appeal of James M. Shockley from a verdict of murder in the first degree, rendered in the district court, was argued yesterday before the supreme court.

H. A. Smith, Shockley's attorney, contended that the city courts before which Shockley had his preliminary examination, and by which he was bound over to the district court, were without jurisdiction in cases of felony. In support of his contention, Mr. Smith cited a provision of the state constitution in which the courts that have such jurisdiction are named, among which are courts presided over by duly elected and qualified justices of the peace, commonly called justice courts. He contended that in establishing the city court the legislature could not confer upon it the jurisdiction over persons charged with felonies held under the constitution by justice courts.

The state was represented by Assistant Attorney General W. R. White, who contended that another section of the constitution confers upon the legislature authority to establish courts additional to those named in the article of that instrument cited by Mr. Smith, and that these additional courts have equal jurisdiction in all cases in which justice courts exercise authority.

Shockley is under sentence of death for the murder of William Gleason, a street car man, a year ago. Upon completion of the arguments the court took the case under advisement. It is expected that an opinion in the case will be handed down some time during the next three weeks or month.

BOTH SUITS ARE DISMISSED.

End Comes of Fendelsen's Troubles at New Federal Building.

The cases of Herman Scherger and E. A. Wedgewood against the Campbell Building company were dismissed yesterday in the district court by stipulation. The Scherger suit was for \$235 and the Wedgewood suit for \$224. To secure their claims, which were originally against Carl Fendelsen, they had obtained charges from Fendelsen upon building tools, building appliances and other material used by him in doing work upon the federal building. All the stuff mortgaged was in possession of the Campbell Building company. In answer to the allegation of the complaints of Scherger and Wedgewood, the Campbell Building company said that Fendelsen had contracted with it Feb. 7, 1903, to do the stone work on the federal building for \$35,000. Feb. 1, 1904, when the contract expired, Fendelsen had been paid the \$35,000, but had not completed the contract. The Campbell Building company completed the work at an additional expense of \$14,000. Fendelsen was undertaking to do so put Fendelsen on a salary of \$150 per month and compelled him to turn over the sheds, tools and appliances belonging to him in the building site and ground surrounding the same.

Court Notes. Judge Armstrong yesterday ordered Alice Jane Benion Barker taken to the state mental hospital at Provo. She was for a time an inmate of that institution, but was released and given into the care of Hyrum Benion. But she became violent and it was found necessary to again restrain her.

A jury in Judge Ritchie's division of the district court yesterday rendered a verdict for \$104.75 damages in favor of the plaintiff in the suit of Steve Amrose against M. J. Clays. The parties live in Bingham Canyon, and the plaintiff showed that he had been unlawfully ejected from property owned by the defendant. Upon motion of the defendant's attorney judgment upon the verdict was stayed until further order of the court.

Lena R. Bonis is an applicant for membership in the B. O. E. Lodge, No. 1, and rapidly growing divorcee colony. Her petition filed in the office of the clerk of the district court yesterday in which she asked the marriage be annulled. She entered with Austin H. Bonis in Salt Lake, June 26, 1882, annulled, she said, that he deserted her a year ago and has since been whereabouts unknown to her. They have two children, aged 13 and 20 years.

THE VALUE OF CHARCOAL

Few People Know How Useful It Is In Preserving Health and Beauty.

Nearly everybody knows that charcoal is the safest and most efficient deodorant and purifier in nature, but few realize its value when taken into the human system for the same cleansing purpose. Charcoal is a remedy that the more you take of it the better; it is not a drug at all, but simply absorbs the gases and impurities always present in the stomach and intestines and carries them out of the system. Charcoal sweetens the breath after smoking, drinking or after eating onions and other odorous vegetables. Charcoal effectively cleans and improves the complexion, it whitens the teeth and further acts as a natural and eminently safe cathartic. It absorbs the miasmic gases which collect in the stomach and bowels; it disinfects the miasmic throat from the poison of catarrh.

All druggists sell charcoal in one form or another, but very few of them sell Stuart's Charcoal Lozenges, which are composed of the finest quality of charcoal and other harmless antiseptics in tablet form, or rather in the form of large, pleasant tasting lozenges, the charcoal being mixed with honey. The daily use of Stuart's Charcoal Lozenges will soon tell in a much-improved condition of the general health, better complexion, sweeter breath and purer blood, and the beauty of it is that no possible harm can result from their continued use, but on the contrary, great benefit. A Buffalo physician, in speaking of the benefits of charcoal, says: "I advise Stuart's Charcoal Lozenges to all patients suffering from gas in stomach and bowels, and to clear the complexion and purify the breath, mouth and throat; I also believe the liver is greatly benefited by the daily use of them; they cost but twenty-five cents a box at drug stores, and although in some sense a patent preparation, yet I believe I get more potent and better charcoal in Stuart's Charcoal Lozenges than in any of the ordinary charcoal tablets."

STATE TREASURY INCREASE CAPITAL STOCK.

West Cache Canal to Be Pushed to Early Completion.

Leban, Feb. 8.—The annual stockholders' meeting of the West Cache Canal company was held at Trenton yesterday. The financial report of the company was presented and the following board of directors chosen: William H. Lewis, Ben F. Plummer, John A. Adams, J. Petersen and B. Y. Benson. The report showed the total receipts of the company to have been \$22,000, and the total disbursements to have been \$22,000, leaving a balance of \$22,000. The total cost of the canal to date was given, in round numbers, as \$22,000, of which amount the stockholders have paid \$10,000, the remainder being due on notes bearing 5 per cent interest and due in ten and fifteen years. About \$500 more will have to be expended to finish the canal, and in order to obtain the money the capital stock of the company was increased from \$10,000 to \$15,000, the additional \$5,000 to be used in securing what money may be necessary to finish the project. The stock is now at par.

The canal covers 22,000 acres of first-class land, according to the statements of the engineers and the submitted proposition to extend the canal across Bear river to Cache Junction, which will bring several thousand acres more in. A representative of a Colorado syndicate offered to buy the canal, agreeing to pay dollar for dollar all money advanced in building it and to assume all financial obligations, but his offer was laughed at.

On account of the competition of the big ditch a building boom has set in on the west side, and the prospects are that the west side will vie with the east side of Cache valley in beauty and productivity within five years.

Both commercial men, and, in fact, all the drummers making Utah, have decided on June 9 and 10 as the time for their big sales, and the city and county have appointed committees to work in connection with those of the Commercial club in making arrangements for one of the biggest celebrations ever seen here.

Mr. Telephone company is here from Boston gathering data and making out plans for the installation of the common battery telephone system in this city. He also passed upon the plan of the telephone company to build here this spring.

LIGHT BILL HELD UP.

Mayor Roylance Won't Pay for What City Don't Get.

Provo, Feb. 8.—Mayor Roylance has withheld his approval of the electric company's claim for \$150 for lights for the month of January on the ground that many of the lamps have been burned out. Mayor Roylance states that he has called on Mr. Nunn, manager of the electric company, and that he has refused to make any payment for the month of January on the ground that many of the lamps have been burned out. Mayor Roylance has a different opinion and says: "It seems to me 5 cents per lamp entitles us to first-class service at all times, and for this reason I cannot approve this bill."

The Brigham Young University Polytechnic society has arranged an interesting lecture and literary course for the students and the public. On Feb. 17 Mrs. Bertha Kling-Baker will give dramatic readings, and on Feb. 23, 24, 25, inclusive, Professor Guthrie of the University of Chicago will deliver a series of lectures. March 17 Professor S. H. Clark of the University of Chicago will give two dramatic readings, afternoon and evening.

Marriage licenses have been issued to the following couples: A. H. Bird, aged 28, and Annie Smith, aged 21, both of Provo; Albert Chappell, aged 20, and Martha R. Nielson, aged 17, both of Spanish Fork.

The annual M. I. A. stake conference will be held in the Tabernacle, next Monday evening, Feb. 13, at 8 o'clock. There will be a social gathering in the forenoon, and in the afternoon the M. I. A. will give a series of lectures. March 17 Professor S. H. Clark of the University of Chicago will give two dramatic readings, afternoon and evening.

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BEAN IS BOUND OVER.

At the Preliminary Hearing His Bond is Fixed at \$700.

Richfield, Feb. 8.—G. T. Bean, commonly known as "Tank" Bean, was bound over today by Justice Noon to await the action of the district court on bonds of \$700 each on the charge of burglarizing S. Thurman's residence on 1st and 2nd streets. The defendants introduced no evidence. They were unable to give the required bond, and will be held by the sheriff.

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